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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,503	10/07/2004	Tomonori Fujisawa	IPA-001	7330
32628 7590 07/23/2008 KANESAKA BERNER AND PARTNERS LLP 1700 DIAGONAL RD SUITE 310 ALEXANDRIA, VA 22314-2848				
EXAMINER				
HASHEM, LISA				
ART UNIT		PAPER NUMBER		
2614				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/510,503

Applicant(s)

FUJISAWA ET AL.

Examiner

LISA HASHEM

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-5 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

FINAL DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3-31-08 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., '...how the voice message is transmitted...') are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Claim Objections

2. Claim 3 is objected to because of the following informalities: the acronyms 'IP', 'D/A', and 'I/F' are not defined. It is not clear if 'microphone/speaker' refers to one of microphone or speaker or microphone and speaker. Appropriate correction is required.
3. Claim 8 is objected to because of the following informalities: the word 'torn' should be spelled 'tone'. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 3 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,241,612 by Heredia.

Regarding claim 3, Heredia discloses a network game terminal unit (Fig. 3: 310, 330, 315, 335; i.e. client computer; Fig. 1: A-D) having a communication tool enabling an IP telephone (Fig. 3: 320, 380, 325, 385, 330, 335; i.e., microphone, speaker, CPU), wherein a voice receiving section of the terminal unit comprises:

a game communicating section (i.e. speakers, microphone, keyboard, mice, monitors) for sending and receiving program signals (i.e. voice or data) for controlling a network game (col. 4, lines 1-21; col. 4, lines 46-66);

a game control section (i.e. CPU) for controlling the network game based on the program signals (col. 4, line 63 – col. 5, line 4);

a participant IP managing section (i.e. networked players software) for managing IP addresses of participants in the game being provided, said participant IP managing section being controlled by the game control section (col. 7, lines 44-57);

a network receiving section for receiving a plurality of incoming signals of telephone message data (i.e. incoming voice and/or data) (col. 2, lines 27-41; col. 5, lines 11-15; col. 8, lines 31-55);

a sorting section (i.e. multimedia hardware and/or software) for determining whether the received telephone message data includes a prespecified IP address or not, and sending a plurality of the incoming signals of the telephone message sequentially, said sorting section being controlled by the game control section (col. 5, line 4 – col. 6, line 16; col. 7, lines 44-57); a plurality of extending sections (i.e. channels) corresponding to the incoming signals, said plurality of extending sections receiving the plurality of the incoming signals from the sorting section and restoring the transmitted telephone message data (col. 6, line 55 – col. 7, line 6); a synthesizing section for synthesizing the plurality of the incoming signals of the restored telephone message data in the time-series mode, said synthesizing section being controlled by the game control section (col. 5, line 64 – col. 6, line 10); a D/A converting section for converting a digital signal in the synthesized telephone message data to an analog signal (col. 4, lines 63-66; col. 5, line 4 – col. 6, line 64); and a microphone/speaker I/F section as a connecting section to the communication tool (Fig. 3: 320, 380, 325, 385; i.e., microphone, speaker) (col. 4, lines 46-57 and lines 63-66).

Regarding claim 4, the network game terminal unit according to claim 3, wherein Heredia discloses the network receiving section receives musical sound data for the network game together with the telephone message data (col. 2, lines 27-41; col. 5, lines 11-15; col. 7, lines 44-57).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heredia, as applied to claim 4, and in further view of U.S. Pat. No. 6,782,281 by Nagasawa.

Regarding claim 5, the network game terminal unit according to claim 4, wherein Heredia discloses the voice receiving section in the terminal unit further comprises an in-coming call transmitting section previously accumulated therein to the synthesizing section in response to an instruction from the sorting section (col. 2, lines 27-41; col. 5, lines 11-15; col. 8, lines 31-55).

Heredia does not disclose an in-coming call dial tone.

Nagasawa discloses a game terminal unit (Fig. 6) having a communication tool enabling a telephone (col. 4, line 61 – col. 5, line 31), wherein a voice receiving section of the terminal unit comprises: a game communicating section (col. 3, lines 60-65). Wherein Nagasawa discloses the voice receiving section in the terminal unit further comprises an in-coming call transmitting section for sending a in-coming call dial tone previously accumulated therein (col. 6, lines 39-47).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the network game terminal unit of Heredia to include an in-coming call dial

tone as taught by Nagasawa. One of ordinary skill in the art would have been lead to make such a modification to alert a player of a network game terminal unit of an incoming call while a game is enabled on the network game terminal unit.

Regarding claim 8, the network game terminal unit according to claim 5, wherein Heredia discloses when the sorting section determines that the received telephone message data does not include the prespecified IP address, the telephone message data is aborted or an instruction for transmission of a dial tone to the in-coming call transmitting section (col. 5, lines 5-15; col. 8, lines 36-55).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

10. Any response to this action should be mailed to:

Art Unit: 2614

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LISA HASHEM whose telephone number is (571)272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fan Tsang/
Supervisory Patent Examiner, Art Unit 2614

/Lisa Hashem/
Examiner, Art Unit 2614
July 23, 2008